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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,437	03/17/2004	Douglas W. Johnson	10378US01	3520
7590 08/11/2008				
Attention: Eric D. Levinson				
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Legal Affairs				
P.O. Box 64898				
St. Paul, MN 55164-0898				
EXAMINER				
BLOUIN, MARK S				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
08/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,437

**Applicant(s)**

JOHNSON, DOUGLAS W.

**Examiner**

Mark Blouin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s) Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### ***Response to Amendment***

- The reply filed on July 14, 2008 was applied to the following effect: The finality of the action mailed on June 3, 2008 is withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argumendo (US 6,754,033).
3. Regarding Claim 8, Argumendo shows (Figs. 1-13) a data storage tape system comprising: a read/write head (15) configured to read from or write to a data storage tape moving relative to the read/write head along a tape path; a first tape guide (60) along the tape path immediately adjacent the read/write head; and a second tape guide (61) along the tape path immediately adjacent the read/write head opposite the first tape guide, the first and second tape guides configured to support the data storage tape near the read/write head; wherein at least one of the first and second tape guides includes a tape interface portion forming a plurality of concentric grooves (76); but does not show wherein upon longitudinal movement of the data storage tape across the tape interface portion, the tape guide limits a spectral content of data storage tape lateral movement measured at the read/write head to less than 0.1  $\mu\text{m}$  at lateral movement frequencies between 50 and 500 cycles/meter.

Argumendo does not set forth these parameters in this claim. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tape recorder of Lelandais with the claimed parameters through routine experimentation and optimization in the absence of criticality. One of ordinary skill in the art would have been motivated to do so in order to eliminate lateral movement of the tape provide more accurate reading and writing on the tape. More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Swain et al.*, 33 CCPA (Patents) 1250, 156 F.2d 239 70 USPQ 412; *Minnesota Mining and Mfg. Co. v Coe*, 69 App. D.C. 217, 99 F. 2d 986, 38 USPQ 213; *Allen et al. v Coe*, 77 App. D.C. 324, 135 F. 2d 11, 57 USPQ 136.

4. Regarding Claim 9, Argumendo shows (Figs. 1-13) wherein the radial runout of the first (60) and second tape (61) guide (variation of radius) of the tape guide is less than 0.5 mil (shown as perfect circle where radial runout is zero).

5. Regarding Claim 10, Argumendo shows (Figs. 1-13) a data storage tape system, wherein at least one of the first (60) and second (61) tape guides is configured and positioned to have intimate contact with the data storage tape (11) as the data storage tape passes over the respective tape guide.

6. Regarding Claim 11, Argumendo shows (Figs. 1-13) a data storage tape system, wherein both of the first (60) and second (61) tape guides are configured and positioned to have intimate contact with the data storage tape (11) as the data storage tape passes over the respective tape guide.

7. Regarding Claim 12, Argumendo shows (Figs. 1-13) a data storage tape system, wherein the plurality of substantially concentric grooves (76) is configured to remove air (Col 3, lines 28-34) from between the data storage tape and the outer surface of the corresponding tape guide.
8. Regarding Claim 13, Argumendo shows (Figs. 1-13) a data storage tape system, wherein a center of the first tape guide (60) and the second tape guide (61) are each spaced from a center of the read/write head less than twice a width of the data storage tape.
9. Regarding Claims 14 and 15, Argumendo shows (Figs. 1-13) a data storage tape system, wherein the first tape guide (60) and second tape guide (61) interacts with the data storage tape to define a degree of wrap greater than 30°.
10. Regarding Claim 16 and 17, Argumendo shows (Figs. 1-13) a data storage tape system, wherein the first (60) and second tape guides (61) are maintained in a data storage tape drive (Fig. 1) and cartridge (13).
11. Regarding Claim 18, Argumendo shows (Figs. 1-13) a data storage tape system, wherein the first (60) and second tape guides (61) decrease the magnitude of longitudinal stress waves in the data storage tape traveling between the first and second tape guides (inherent).
12. Regarding Claim 19, Argumendo shows (Figs. 1-13) a data storage tape system, a first collateral tape guide (112) spaced from the first tape guide opposite the read/write head; a second collateral tape guide (113) spaced from the second tape guide opposite the read/write head, wherein the first and second collateral tape guides limit the amplitude of tape transverse-movement across the first and second collateral tape guides (Col 9, lines 54-55), respectively.
13. Regarding Claim 21, Argumendo shows (Figs. 1-13) a data storage tape system, wherein the system is characterized by the absence of an additional, guide along the tape path between

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the first tape guide (60) and the read/write head and the absence of an additional guide along the tape path between the second tape guide (61) and the read/write head.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joe Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Blouin/

Primary Examiner of Art Unit 2627

Mark Blouin  
Patent Examiner  
Art Unit 2627  
August 4, 2008

